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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,892	01/24/2001	Stephen A. Sprigg	PA000408	4218
23696	7590	12/16/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	
DATE MAILED: 12/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/768,892	SPRIGG, STEPHEN A.	
	Examiner	Art Unit	
	Tu X Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 9-15 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al. (US Patent 5,128,981) in view of Kahl et al. (US Patent 5,936,625).

Regarding claims 1 and 7, Tsukamoto et al. disclose a mobile communication terminal (fig.5), comprising:

a storage (922, 923 fig.15) for storing a database of schedule data including data relating to time of day (see col.6 lines 40-52);

a display (119, fig.15) for displaying selected information from said database, the display communicatively coupled to the storage; and

a time reference for providing current time of day information, wherein the displayed selected information is variable dependent on the current time of day information (see col.6 lines 40-41, col.14 lines 35-40), and

Tsukamoto et al. fail to disclose scrolls in response to a change in current time of day.

Kahl et al. disclose scrolls in response to a change in current time of day (see col.4 lines 2-5). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tsukamoto et al. with the above teaching of Kahl in order to display more events than there is space for display at one time.

Regarding claims 5 and 12, Tsukamoto et al. disclose a mobile communication terminal, comprising:

- a memory storing a database of schedule data, each schedule data including a schedule time (see fig.11, col.17 lines 10-26);

- a display (119, fig.2) communicatively connecto to the memory and used for displaying a list of at least two of said schedule data and a current time of day indicator (see col.6 lines 40-41, col.14 lines 35-40);

- a digital signal processing device providing current time of day information (see col.6 lines 40-41, col.14 lines 35-40).

Tsukamoto et al. fail to disclose at least two displayed schedule data coincident with said current time of day information.

Kahl et al. disclose at least two displayed schedule data coincident with said current time of day information (see col.4 lines 2-5). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tsukamoto et al. with the above teaching of Kahl in order to display more events than there is space for display at one time.

Regarding claims 3 and 9, the modified Tsukamoto et al. disclose the display is arranged to indicate which of the displayed selected information corresponds to the current time of day information (see Tsukamoto, fig.9).

Regarding claims 4 and 10, the modified Tsukamoto et al. disclose a user input device arranged to allow input of said schedule data (see Tsukamoto, fig.6).

Regarding claims 6 and 13, the modified Tsukamoto et al. disclose the position of said time of day indicator relative to said one of said at least two displayed schedule data is variable in accordance with the current time of day information and the duration of said item of said displayed schedule data (see Tsukamoto, fig.11)

Regarding claims 11 and 14, the modified Tsukamoto et al. disclose a programmable mobile terminal (see Tsukamoto, col.16 lines 55-56).

Regarding claim 15, the modified Tsukamoto et al. disclose a computer program recorded on a carrier (see Tsukamoto, col.7 lines 9-10 and col.6 lines 3-59).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


December 5, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER